IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 17031 of 2007

Date of decision: 05.11.2007

Munish Kumar and another

..... Petitioners

Versus

State Bank of Patiala and another

.....Respondents

Coram: Hon'ble Mr. Justice M.M.Kumar
Hon'ble Mr. Justice Ajay Kumar Mittal

Present: Mr. A.K.Khunger, Advocate,
for the petitioners.

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M.M.Kumar, J.

It is admitted position that notices under Section 13 (2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for brevity 'the Act') was issued by respondent No. 2 to the petitioner on 11.08.2007 (P-1 and P-2). Thereafter, notice under Section 13 (4) of the Act has also been issued on 11.10.2007 (P-4). According to Section 17 of the Act, the remedy of appeal is available to the petitioner to challenge the notice under Section 13 (4) of the Act before the Debt Recovery Tribunal. In the presence of such a remedy the writ petition cannot be entertained.

In view of the above, the instant petition is dismissed and we relegate the petitioner to seek remedy before the Tribunal as per law.

(M.M.KUMAR)
JUDGE

(AJAY KUMAR MITTAL)
JUDGE

November 05, 2007
pj